

**Unofficial Draft Copy**

As of: October 4, 2012 (11:15am)

LC0179

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Office of Public Instruction

A Bill for an Act entitled: "An Act revising the conditions for exemption from compulsory school enrollment and attendance; providing exceptions from compulsory enrollment and attendance for certain students; amending sections 20-5-102, 20-5-103, and 23-5-413, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 20-5-102, MCA, is amended to read:

**"20-5-102. Compulsory enrollment and excuses.** (1) Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the board of public education pursuant to 20-7-111 until the ~~later~~ earliest of the following dates:

- (a) the child's ~~16th~~ 18th birthday; or
- (b) the date of completion of ~~the work of the 8th grade.~~  
high school graduation requirements; or
- (c) the date of certification that the child has satisfied the requirements for equivalency of completion of secondary education as provided in 20-7-131.

- (2) A parent, guardian, or other person shall enroll the

child in the school assigned by the trustees of the district within the first week of the school term or when the parent, guardian, or person establishes residence in the district unless the child is:

(a) enrolled in a school of another district or state under any of the tuition provisions of this title;

(b) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;

(c) excused from compulsory school attendance upon a determination by a district judge that attendance is not in the best interest of the child;

(d) excused by the board of trustees upon a determination that attendance by a child who has attained the age of ~~16~~ 18 is not in the best interest of the child and the school; ~~or~~

(e) at least 16 years of age, has withdrawn from school, and has enrolled either in an adult basic education program, the Montana youth challenge program, a Montana job corps program, an accredited postsecondary program, or a registered apprenticeship program; or

~~(e)~~(f) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the purposes of this subsection ~~(2)(e)~~ (2)(f), a home school is the instruction by a parent of the parent's child, stepchild, or ward in the parent's residence and a nonpublic school includes a parochial, church, religious, or private school."

{Internal References to 20-5-102:

20-5-103x      20-5-109x      20-7-117x      23-5-413a }

**Section 2.** Section 20-5-103, MCA, is amended to read:

**"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to attend the school in which the child is enrolled for the school term and each school day in the term prescribed by the trustees of the district until the ~~later~~ earliest of the following dates:

(a) the child's ~~16th~~ 18th birthday; ~~or~~

(b) the date of completion of ~~the work of the 8th grade.~~  
high school graduation requirements; or

(c) the date of certification that the child has satisfied the requirements for equivalency of completion of secondary education as provided in 20-7-131.

(2) The provisions of subsection (1) do not apply in the following cases:

(a) The child has been excused under one of the conditions specified in 20-5-102.

(b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.

(c) The child has been suspended or expelled under the provisions of 20-5-202."

{*Internal References to 20-5-103:*  
20-1-308x }

**Section 3.** Section 23-5-413, MCA, is amended to read:

**"23-5-413. Raffle prizes -- investigations -- rulemaking.**

(1) (a) The department shall investigate all violations of this part.

(b) The department may adopt rules to require recordkeeping for receipts and payouts under this part and to establish procedures to ensure the fair selection of winners.

(2) (a) A person or organization conducting a raffle shall own all prizes to be awarded as part of the raffle before the sale of any tickets.

(b) The value of a prize awarded for an individual ticket for a raffle conducted by a person or an organization may not exceed \$5,000. Prizes may not be combined in any manner to increase the ultimate value of the prize awarded for each ticket.

(c) The provisions of subsections (2)(a) and (2)(b) do not apply to a nonprofit organization, a college, a university, a public school district as provided in 20-6-101 and 20-6-701, or a nonpublic school as described in 20-5-102~~(2)(e)~~(2)(f). The proceeds from the sale of tickets for a raffle conducted by a nonprofit organization, college, university, or school district may be used only for charitable purposes or to pay for prizes and may not be used for the administrative costs of conducting the raffle.

(3) (a) The sale of raffle tickets authorized by this part is restricted to events and participants within the geographic confines of the state.

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(b) The sale of raffle tickets may not be conducted over the internet. All raffle announcements or advertisements conducted over the internet must include this sale restriction, the name of the organization offering the raffle, and all raffle terms."

{*Internal References to 23-5-413:*  
23-5-157x      23-5-158x }

NEW SECTION.    **Section 4. {standard} Effective date.** [This act] is effective July 1, 2013.

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